

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS**

KIMBERLY KELLY

Plaintiff,

V.

**LEXISNEXIS RISK SOLUTIONS
INC.**

Defendant.

CIVIL ACTION NO. 6:19-cv-657

COMPLAINT

JURY TRIAL DEMANDED

INTRODUCTION

1. This is an action for damages brought by an individual consumer, Kimberly Kelly, against Defendant for violations of the Fair Credit Reporting Act (“FCRA”), 15 U.S.C. §§ 1681, *et seq.*

PARTIES

2. Plaintiff Kimberly Kelly is an adult individual residing in Belton, TX.

3. Defendant LexisNexis Risk Solutions Inc., (“LexisNexis”), is a consumer reporting agency which regularly conducts business in the Western District of Texas, and which has a principal place of business located at 1000 Alderman Drive, Alpharetta, GA 30005.

JURISDICTION & VENUE

4. Jurisdiction of this Court arises under 15 U.S.C. § 1681p and 28 U.S.C. § 1331.

5. Venue lies properly in this district pursuant to 28 U.S.C. § 1391(b).

FACTUAL BACKGROUND

6. Defendant has been reporting derogatory and inaccurate statements and information relating to Plaintiff and Plaintiff's credit history to third parties ("inaccurate information") from at least April 2019 through present.

7. The inaccurate information includes, but is not limited to, the reporting of a judgment, and personal identifying information.

8. The inaccurate information negatively reflects upon the Plaintiff, Plaintiff's credit repayment history, Plaintiff's financial responsibility as a debtor and Plaintiff's creditworthiness.

9. The inaccurate information consists of public record information that do not belong to the Plaintiff, and that actually belongs to another consumer, Bragg Kelly. Due to Defendant's faulty procedures, Defendant mixed the credit file of Plaintiff and that of another consumer with respect to the inaccurate information and other personal identifying information.

10. Defendant has been reporting the inaccurate information through the issuance of false and inaccurate credit information and consumer reports that it has disseminated to various persons and credit grantors, both known and unknown, from at least April 2019 through the present.

11. Plaintiff's credit reports have been obtained from Defendant by such third parties from at least April 2019 through the present.

12. As a result of Defendant's conduct, Plaintiff has suffered actual damages in the form of credit denial or loss of credit opportunity, mortgage loan denial, credit defamation and emotional distress, including anxiety, frustration, embarrassment and, humiliation.

13. Plaintiff has been informed that the basis and/or substantial factor for those denials was the inaccurate information that appears on Plaintiff's credit reports.

14. At all times pertinent hereto, Defendant was acting by and through its agents, servants and/or employees who were acting within the course and scope of its agency or employment, and under the direct supervision and control of the Defendant herein.

15. At all times pertinent hereto, the conduct of the Defendant as well as that of its agents, servants and/or employees, was intentional, willful, reckless, and in grossly negligent disregard for federal and state laws and the rights of the Plaintiff herein.

FIRST CAUSE OF ACTION
VIOLATIONS OF THE FCRA

16. Plaintiff incorporates the foregoing paragraphs as though the same were set forth at length herein.

17. At all times pertinent hereto, LexisNexis was a “person” and a “consumer reporting agency” as those terms are defined by 15 U.S.C. § 1681a(b) and (f).

18. At all times pertinent hereto, the Plaintiff was a “consumer” as that term is defined by 15 U.S.C. § 1681a(c).

19. At all times pertinent hereto, the above-mentioned credit reports were “consumer reports” as that term is defined by 15 U.S.C. § 1681a(d).

20. Pursuant to 15 U.S.C. §1681n and 15 U.S.C. §1681o, Defendant is liable to the Plaintiff for willfully and negligently failing to comply with the requirements imposed on a consumer reporting agency of information pursuant to 15 U.S.C. §§ 1681e(b).

21. The conduct of Defendant was a direct and proximate cause, as well as a substantial factor, in bringing about the serious injuries, actual damages and harm to the Plaintiff that are outlined more fully above and, as a result, Defendant is liable to the Plaintiff for the full amount

of statutory, actual and punitive damages, along with the attorneys' fees and the costs of litigation, as well as such further relief, as may be permitted by law.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff seeks judgment in Plaintiff's favor and damages against the Defendant, based on the following requested relief:

- (a) Actual damages;
- (b) Statutory damages;
- (c) Punitive damages;
- (d) Costs and reasonable attorney's fees; and
- (e) Such other and further relief as may be necessary, just and proper.

JURY DEMAND

NOW COME Plaintiff, by and through his undersigned counsel, and hereby demands trial by jury of the above-referenced causes of actions.

Dated: November 14, 2019

FRANCIS MAILMAN SOUMILAS, P.C.

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